

SUSMAN GODFREY L.L.P

August 19, 2024

Hon. Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street, Courtroom 23A  
New York, New York 10007

Re: *The New York Times Company v. Microsoft Corporation, et al.*,  
Case No.: 23-cv-11195-SHS: Dispute Regarding OpenAI's Custodians

Dear Judge Stein:

I write on behalf of The New York Times Company ("The Times") regarding the Court's August 6 order granting The Times's motion to amend (Dkt. 163). Defendants join this letter.

Pursuant to the Court's order, The Times filed its amended complaint on August 12 (Dkts. 170–202). The Times's amendment does not assert any new causes of action or legal theories; the sole change is to assert additional Times works. Therefore, the parties respectfully request that Defendants' pending motions to dismiss (Dkts. 51, 64) and all corresponding briefing be applied to The Times's amended complaint, which will avoid burdening the Court with duplicative briefing.

Respectfully submitted,

/s/ Ian B. Crosby

Ian B. Crosby  
Susman Godfrey L.L.P.

/s/ Steven Lieberman

Steven Lieberman  
Rothwell, Figg, Ernst & Manbeck

cc: All Counsel of Record (via ECF)